

## **DOMESTIC RELATIONS SUMMARY PROCEEDING (DRSP) INFORMATION and INSTRUCTIONS**

**IMPORTANT: Court staff is not allowed to give legal advice and cannot help you complete these forms. If you are unsure how to proceed, you should consult an attorney.**

To protect your rights, carefully read this information and any instructions to which you are referred.

These proceedings, outlined in N.D.R.Ct. 8.5, are designed so that people can present cases involving divorce and division of property less than \$50,000(not including the family home) to the court. Parties who meet the criteria may also bring child custody and visitation or child support issues to the court. The parties may choose to have an attorney represent them in these proceedings.

If the parties do not have any minor children, divorce forms are also available at [www.ndcourts.gov/ndlshc/](http://www.ndcourts.gov/ndlshc/) which do not limit the value of property and do not require a hearing.

Neatly print on the forms using dark ink. It is the responsibility of each party to make copies of the forms to serve on the other party and for personal records. These forms are also available at [www.ndcourts.gov/ndlshc/](http://www.ndcourts.gov/ndlshc/).

### **Your case may be filed as a Domestic Relations Summary Proceeding (DRSP) if:**

1. The **combined** net assets of the parties do not exceed a fair market value of \$50,000, not including your home (homestead).
2. The plaintiff has lived in North Dakota for at least six months.

**Your case may be transferred into non-summary proceedings in District Court** if either party chooses to move the case to district court by filing a notice of election with the court no later than 21 days before the final hearing, **or** if the court decides that the case would be better handled in non-summary proceedings.

### **A hearing is required for this proceeding:**

1. Hearing times will be set by the clerk's office. Requests for changes to hearing times must be made in writing to the Court. Only the Court can approve changes to hearing times.
2. Parties are required to bring their copies of forms and supporting documentation to the hearing.

### **DRSP forms include:**

#### **Information/Forms requiring clerk signature:**

Information and Instructions - Form 1  
Summons - Form 1(a)  
Notice of Hearing & Appearance – Form 1(b)

#### **Plaintiff forms:**

Instructions to Plaintiff – Form 2 Series  
Petition - Form 2  
Plaintiff's financial affidavit - Form 2(a)  
Plaintiff's affidavit continuation sheet – 2(b)  
Service Instructions to Plaintiff  
Plaintiff's Affidavit of Mailing/Personal Service–2(c)  
Defendant's Admission of Service – 2 (d)

#### **Defendant's forms:**

Instructions to Defendant – Form 3 Series  
Defendant's Answer and Counterclaim – Form 3  
Defendant's Financial Affidavit – Form 3(a)  
Defendant's affidavit continuation sheet - 3(b)  
Service Instructions to Defendant  
Defendant's Affidavit of Mailing/Personal Service–3(c)  
Plaintiff's Admission of Service – 3(d)

#### **Forms to be completed by both before the hearing:**

Child Support Guideline & Worksheet (with instructions)  
Proposed Findings of Fact with instructions – Form 4  
Appendix H – Form 4(a)  
Proposed Judgment – Form 4(b)  
Proposed Parenting Plan with instructions – Form 4(c)

**ALL FORMS must be as complete as possible prior to filing with the clerk.**